



**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD,
Council Chambers
Thursday, June 22, 2000, 7:30 P.M.
777 "B" Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Fish, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bennett, Bogue, Williams, Zermeno
CHAIRPERSON Fish
Absent: COMMISSIONER Caveglia, Halliday

Staff Members Present: Anderly, Connelly, Looney, McClellan, Patenaude

General Public Present: Approximately 10

PUBLIC COMMENT

AGENDA

1. **Use Permit UP 00-160-03 – Enterprise Rent-a-Car (Applicant), Jose Caloca (Owner) –** Request to Operate a Satellite Auto-Rental Office to Service Dealership Accounts and Other Customers – The property is located at 24518 Mission Blvd., easterly side in a CG-SD2 (General Commercial – Mission Corridor Special Design Overlay District No. 2) Zoning District.
2. **General Plan Amendment 00-110-01 and Zone Change Application 99-190-02 – David Finger of New Look Properties, L.L.C. (Applicant/Owner) -** Request to (1) Amend the General Plan Designation from Industrial Corridor to Low Density Residential and (2) Change the Zoning District from Industrial (I) to Single-Family Residential (RSB6) – The Property Location is 2849 Baumberg Avenue.
3. **Zone Change Application 99-190-04 (University Court) – Initiated by the Planning Director:** Request to change the zoning from RS (Single-Family Residential) District to RSB10 (Single-Family Residential and Special Lot Standards Combining) District – The subject properties are located along University Court generally between Campus Drive and Highland Boulevard.

PUBLIC HEARINGS

1. **Use Permit UP 00-160-03 – Enterprise Rent-a-Car (Applicant), Jose Caloca (Owner) –** Request to Operate a Satellite Auto-Rental Office to Service Dealership Accounts and Other Customers – The property is located at 24518 Mission Blvd., easterly side in a CG-SD2 (General Commercial – Mission Corridor Special Design Overlay District No. 2) Zoning District.

Senior Planner McClellan described the application, the present location, its environs and the proposed changes **to the existing** building on Mission Boulevard. He also described the proposed **signage** for the building. He indicated it is a satellite office for a long-time Hayward business.

Commissioner Bennett asked whether the other Enterprise locations would be closing. Senior Planner McClellan responded that they would not be closing any of the business. This is merely a consolidation of their administrative services.

The public hearing was opened at **7:46 p.m.**

Chris **Sbarbaro**, Enterprise Rent-a-Car, 2550 Monument Boulevard, Concord, spoke to the need for more office space for the agency. He indicated that they are not meeting the standards they would like, **He** said he was working with staff in developing the Spanish theme for the building, and what they have developed should be a great match for the building next door. He added that City staff members have given them some great ideas.

The public hearing was closed at **7:52 p.m.**

Commissioner **Zermeño moved**, seconded by Commissioner Williams to support the application with its findings and conditions, The **motion passed unanimously** with Commissioners Caveglia and Halliday absent.

- 2. General Plan Amendment 00-110-01 and Zone Change Application 99-190-02 – David Finger of New Look Properties, L.L.C. (Applicant/Owner) - Request to (1) Amend the General Plan Designation from Industrial Corridor to Low Density Residential and (2) Change the Zoning District from Industrial (I) to Single-Family Residential (RSB6) – The Property Location is 2849 Baumberg Avenue.**

Planning Manager Anderly explained that under State law four General Plan Amendments are allowed each year so this application would be allowable. She noted that the applicant describes the proposal as a continuation of the present situation since, at present, all of the buildings on this block are homes. She added that staff recommends denying the amendment and zone change since this would further denigrate the Industrial area. Staff believes it is still viable to have Industrial zoning in that area.

Commissioner Williams asked how the Industrial zoning **would** affect current residents if they needed to rebuild.

Ms. Anderly responded that the current zoning would not be implemented if residents rebuilt within six-months. It would also depend on the degree of loss to the structure.

The public hearing opened at **8:03 p.m.**

David Finger, 6114 **LaSalle** Avenue, Suite **#103**, Oakland, applicant, explained that the property consists of an old farmhouse that needs work. He bought it with the intention of fixing it up. He



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was not told about the zoning on the property and the illegal lot split. He pointed out that this home is in the middle of the block and that there are no businesses in the immediate vicinity. He added that these five homes were grandfathered in with the rezoning in 1968 and have been used for residential purposes. He said the neighbors support this application.

Commissioner Williams asked how the title report explained the illegal lot split.

Mr. Finger said it was not discovered until the City of Hayward notified them some months ago.

As to the zoning on the property, Mr. Finger indicated that he was not even sure if the neighbors knew about it. He added that he knows he has grounds for a lawsuit. However, he would prefer not to go that way,

Mike Groeniger, 27750 Industrial Boulevard, stated that he owns the property adjacent to the applicant's. He said he opposed changing the property to Residential since pushing Industrial against Residential would not work for either party. He said the present situation would continue to work well until the houses are sold,

Joseph Belchier, no address given, said he owns three homes in the area. He knew the zoning was Industrial but did not care. He added he would like to leave things the way they are.

The public hearing closed at 8:13 p.m.

Commissioner Bennett said the residents of properties located in the Industrial area are not usually pleased with their situation. There should be a buffer between areas. She noted that this should continue Industrial and **moved**, seconded by Commissioner Bogue, to deny the application. She added the findings for denial to her motion,

Commissioner Bogue noted that in the past there has been a great deal of conflict between Industrial users and residents in the same area. He added that it makes sense to retain the Industrial designation in this area. It was the right decision to make at the time, and the reasoning is still sound.

Commissioner Williams said he would support the motion since this area should be Industrial zoning. He stated the more Industrial is needed in that area.

Commissioner Zermeno said he would also support the motion since the neighborhood wanted to maintain the Industrial designation for the area,

Chairperson Fish agreed that since the Task Force wanted the zoning this way, the Commission should maintain that status. He indicated that the applicant has other resources to pursue.

The application was denied when the **motion passed unanimously 5:0, with Commissioners Caveglia and Halliday absent.**

3. Zone Change Application 99-190-04 (University Court) – Initiated by the Planning Director: Request to change the zoning from RS (Single-Family Residential) District to RSB10 (Single-Family Residential and Special Lot Standards Combining) District – The subject properties are located along University Court generally between Campus Drive and Highland Boulevard.

Associate Planner Patenaude described the proposal as having been referred from City Council. He noted that the proposed zone change would affect properties along University Court, which would be rezoned from RS to **RSB10**. He added that this seems to be the next logical step in the area to retain the neighborhood character. The majority of parcel sizes range from 20,000 to 50,000 square feet. With this change subdivision could only occur in three of the newly zoned lots rather than the present seven. He remarked that staff recommended approving the Negative Declaration and the zone change.

Commissioner **Zermeño** noted that there was a petition asking for the exclusion of one parcel and wondered if that was normal.

Associate Planner Patenaude responded that Lot 27 currently has two homes on the lot and it is the owners desire to divide the two homes into two separate lots in the future. However, one lot would be non-conforming with less than 10,000 square feet. He suggested the logic of this exemption since the adjoining lots to Lot 27 are smaller. He noted that, if excepted, this lot would remain RS, in the area of other RS zoned lots.

Commissioner Bogue expressed concern about clustering units on the property, if they were exempted.

Associate Planner Patenaude said it would be difficult with the location of the present units on the site. The land slope falls quite dramatically, making any subdivision difficult.

The public hearing opened at **8:27** p.m.

Ian Neff, owner of Parcel 27, said he wanted an exception since his goal is to divide the lot for the two houses on it.

Tom Evans, owner of Lot 26, said he favored either leaving Lot 27 at the present zoning or dividing the lot into two. He commented that builders in the hills need to stop cutting down the trees in the area.

The public hearing closed at **8:35** p.m.

Planning Commissioner Bennett **moved**, seconded by Commissioner **Zermeño**, to refer the application to the City Council with the recommendation to approve the Negative Declaration and the Zone Change Application with the attached findings, and to exclude Lot 27 from the rezoning,



Commissioner Bogue asked whether the exclusion would be in keeping with the Task Force recommendations for the area and if the owner could rezone to a Planned Development if that was his wish.

Associate Planner Patenaude responded that they could ask for one but would have to come back to the Commission for permission, but a favorable recommendation might be difficult since it would affect the rural atmosphere of the area.

Planning Director Anderly then reminded members that zoning lines do not have to follow property lines. Each house on Lot 27 could be zoned separately. She said the rear of the lot could be zoned RSB10.

Commissioner Bogue asked for a substitute amendment requesting that staff study a recommendation to present to Council of a lot split on Lot 27 with different lines. This was accepted.

The motion amended to exclude lot 27 and ask Staff to consider recommending to Council only a partial lot split passed unanimously, 5:0, with Commissioners Caveglia and Halliday absent.

ADDITIONAL MATTERS

4. Oral Report on Planning and Zoning Matters

Planning Director informed members that their packets for the June 29th meeting would be delivered on Friday, June 23.

5. Commissioners' Announcements, Referrals

There were no announcements or referrals.

6. Presentation to Linda Bennett

Chairperson Fish made presentation of two commendations to Commissioner Bennett, thanking her for her years of service to the City of Hayward, both on the Task Force and on the Planning Commission.

Commissioner Bennett thanked staff for their support throughout the years and said she had enjoyed her time serving on the Commission. She noted that she had no regrets for any of her previous decisions.

MINUTES

- None

ADJOURNMENT

The meeting was adjourned by Chairperson Fish at **8:50** p.m.

APPROVED:

Roger Fish, Chairperson
Planning Commission

ATTEST:

Edith Looney
Commission Secretary

DRAFT